

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REGINALD JACKSON,
Plaintiff,

v.

MAJOR THOMAS DOHMAN, CAPTAIN
ETTA WILLIAMS, and LIEUTENANT
WILLIAM E. RADLE,
Defendants.

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CIVIL ACTION

NO. 11-6890

ORDER

AND NOW, this 28th day of February, 2013, upon consideration of Commonwealth Defendants' Amended Motion to Dismiss the Amended Complaint (Document No. 24, filed June 29, 2012), and Plaintiff's Brief in Opposition to Defendant's Amended Motion to Dismiss (Document No. 36, filed September 12, 2012), for the reasons set forth in the Memorandum dated February 28, 2013, **IT IS ORDERED** that Commonwealth Defendants' Amended Motion to Dismiss the Amended Complaint is **GRANTED** as to the plaintiff's claims based on the Fifth, Eighth, and Fourteenth Amendments in the Amended Complaint and as to the remaining First Amendment claim against defendants in their official capacities, and all such claims are **DISMISSED WITH PREJUDICE**. Plaintiff's First Amendment retaliation claim against defendants in their individual capacities is **ALLOWED TO PROCEED**.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.